



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 424

[Docket No. FWS–HQ–ES–2020–0047, FF09E23000 FXES1111090FEDR 212; Docket No. 211118-0238]

RIN 1018–BE69; 0648–BJ44

Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat

AGENCY: U.S. Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule; extension of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS; hereafter collectively referred to as the “Services” or “we”), are extending the comment period on our October 27, 2021, proposed rule to rescind the final rule titled “Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat” that was published on December 16, 2020, and established a regulatory definition of the term “habitat.” We are extending the comment period by 15 days.

DATES: The comment period on the proposed rule that published on October 27, 2021, at 86 FR 59353, is extended. We will accept comments received or postmarked on or before December 13, 2021.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>.

In the Search box, enter the docket number or RIN for this rulemaking (presented above in the

document headings). For best results, do not copy and paste either number; instead, type the docket number or RIN into the Search box using hyphens. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”

(2) *By hard copy*: Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–ES–2020–0047, U.S. Fish and Wildlife Service, MS: PRB(3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. Comments and materials we receive will be available for public inspection on <https://www.regulations.gov>. (See **Public Comments**, below, for more information.)

FOR FURTHER INFORMATION CONTACT: Bridget Fahey, U.S. Fish and Wildlife Service, Division of Conservation and Classification, 5275 Leesburg Pike, Falls Church, VA 22041–3803, telephone 703/358–2171; or Angela Somma, National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, telephone 301/427–8403. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800/877–8339.

SUPPLEMENTARY INFORMATION:

Background

On October 27, 2021, the Services published a proposed rule (86 FR 59353) to rescind the final rule establishing a regulatory definition for the term “habitat” that was published on December 16, 2020 (85 FR 81411) and became effective on January 15, 2021. The proposed rule opened a 30-day public comment period that was scheduled to close on November 26, 2021. We subsequently received two requests to extend the public comment period. One request was submitted by the Association of Fish and Wildlife Agencies (AFWA), which sought an extension in order to coordinate and incorporate feedback from all its members into its comment. AFWA

is a national organization representing State agencies in all 50 States, and the Services find their request shows good cause to extend the comment period. With this document, we extend the public comment period for an additional 15 days, as specified above in **DATES**, to provide all interested parties an additional opportunity to comment on the October 27, 2021, proposed rule.

Public Comments

All relevant information will be considered prior to making a final determination regarding the regulatory definition of “habitat.” If you already submitted comments or information on the October 27, 2021, proposed rule, please do not resubmit them. Any such comments are incorporated as part of the public record of the rulemaking proceeding, and we will fully consider them in the preparation of any final rule.

You may submit your comments and materials concerning the proposed rule by one of the methods listed in **ADDRESSES**. Comments must be submitted to <https://www.regulations.gov> before 11:59 p.m. (Eastern Time) on the date specified in **DATES**. We will not consider mailed comments that are not postmarked by the date specified in **DATES**.

We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us. If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Authority

We issue this document under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq*).

Shannon A. Estenoz

*Assistant Secretary for Fish and Wildlife and Parks,
Department of the Interior.*

Samuel D. Rauch, III,

*Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service,
National Oceanic and Atmospheric Administration.*

